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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,011	06/19/2003	Birgit Byman-Kivivuori	NOKV.013CIP	6004
7590 Hollingsworth & Funk, LLC Suite 125 8009 34th Avenue South Minneapolis, MN 55425		12/19/2007	EXAMINER SMITH, CREIGHTON H	
			ART UNIT 2614	PAPER NUMBER
			MAIL DATE 12/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/600,011

Applicant(s)

BYMAN-KIVIVUORI ET AL.

Examiner

Creighton H. Smith

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 NOV '07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>26.11.07, 11.06.07</u> . | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 5, 9, 11, 13, 14, 16, 20, 21, 23, 25, 26, 28, 29, 35, 36, 38-50 are rejected under 35 U.S.C. 102(E) as being anticipated by Petrovich, U.S. Patent Publication #2004/0147270.

Petrovich teaches a system and method for initiating services with a mobile device. The mobile device is shown in Figs. 14A, 14B and 102 – Fig. 1. Petrovich discloses in ¶-0008 that signs are provided that have machine-readable dataforms embedded with them so that a customer can scan with her m-commerce 102 device. The dataform may be placed next to descriptive text on the sign, with the sign placed next to the product. Petrovich goes on to disclose that the sign may contain a logo or emblem that provides for easy viewing by the customer, with the logo indicating the associated product/service being offered. In ¶-0009 Petrovich discloses that the readable logo/emblem contains the readable dataform. In ¶-0006, Petrovich discloses that the m-commerce device includes a device reading apparatus that will read a dataform. A terminal 104 provides interactive presentation to the user, with the m-commerce device 102 (applicant's mobile user device) and terminal 104 in wireless communication. When the user causes the m-commerce device to read a terminal's dataform, item

information input and stored in the m-commerce device is transmitted wirelessly to the terminal for interactive presentation to the user. In ¶-0028 Petrovich discloses RFID to get the data from the terminal 104 to m-commerce device, and in ¶¶-0031, 0052, and 0072 that the dataform 106 may be a code embedded in a transponder system such that proximity of mobile device 102 to terminal 104 triggers automatic activation of the transponder system to expose the encoded dataform code to the receiving system. In claim 34 Petrovich discloses that the dataform is encoded with the transponder in association with the RFID system.

Therefore, Petrovich discloses applicant's transponder having information (the dataform) associated with it, and also meets applicant's "associating" step because the visual information in the form of a sign (¶-0008) is in close proximity with a dataform and transponder. Applicant's "activating" step is met by Petrovich in ¶-0072.

In ¶-0035 Petrovich discloses, last sentence, that customer 100 controls device 102 such that the dataform 106 can be read. Once the dataform 106 is read, the device 102 automatically operates to format and transmit data therefrom. Therefore, when Petrovich transmits the data from the m-commerce mobile device, the mobile device is invoking some type of application to wirelessly transmit the data that it received the dataform/transponder. In ¶-0037 Petrovich discloses that transmission of the dataform occurs over wireless link (110) to a network interface (112), such as an IEEE 802.11b device (WLAN) located in the store. Some of the types of wireless technologies that can be used are RF and BLUETOOTH™. Both RF and BLUETOOTH are applications.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 6-8, 10, 15, 17, 18, 19, 24, 27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovich in view of Perttala et al, U.S. patent Publication #2004/0087273.

Perttala et al disclose a mobile terminal (100-Fig. 1; 204-Fig. 2A) having an RFID reader (110, 202), such that when a mobile terminal comes within range (120) of a RFID tag (102) the tags are activated by RF waves emitted by the mobile terminal, ¶-0023. When a tag has been activated, it transmits information back to the RFID reader (110), ¶-0026. Fig. 2A and ¶¶-0033, 0034, 0035, 0036 depict the different service types that can be used with RFID: SMS, MMS, WAP, JAVA, ONS. In ¶-0039 Perttala et al disclose the tag's identifier can identify the application on the mobile terminal that is to be activated and the content associated with the tag can provide the provisioning information, which may include WAP, SMS, MMS, EMS, etc. To have provided Perttala et al teaching of associating SMS with a transponder and used this teaching in Petrovich would have been obvious to a person having ordinary skill in this wireless communications art because both references disclose RFID technology and tags/transponders using RF/BLEETOOTH protocol, thus the skilled practitioner in this art would find these 2 references readily combinable.

Application/Control Number:
10/600,011
Art Unit: 2614

Page 6

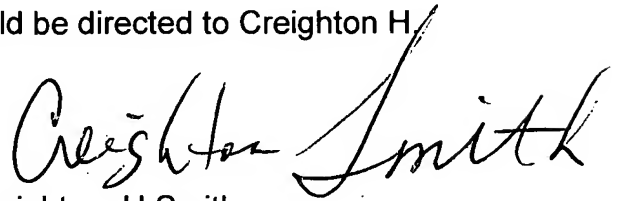
Klitsgaard teaches in ¶-0122 that a PDA could be used to pick up info off of a tag/transponder. To have similarly used a PDA in Petrovich, as taught by Klitsgaard, would have been obvious to a person having ordinary skill in the art.

Claims 22, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovich in view of Hall et al.

Hall et al disclose in ¶-0039 that their RFID device can transmit medical data. To have provided Hall's teaching in Petrovich of transmitting medical data would have been obvious to a person having ordinary skill in the art because the type of information that can be transmitted is limitless.

Any inquiry concerning this communication should be directed to Creighton H. Smith at telephone number 571/272-7546.

18 DEC '07


Creighton H Smith
Primary Examiner
Art Unit 2614

Regarding claim 3, Perttila et al disclose in ¶-0072 that a transponder can provide an image to RFID reader.

For claim 10, see Perttila's ¶-0029.

Pertaining to claim 17, Perttila's disclosure in ¶-0039 that the invoked applications may be WAP, SMS, MMS, EMS, **etc.**, the skilled practitioner in this art would easily conclude that PTT is another communication medium in which to transmit information.

In regard to claim 18, see Pertil's ¶-0039 for the URL disclosure.

Claims 12, 30-34, are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovich in view of MacLellan et al '296.

MacLellan et al disclose in col. 3, lines 20-25, a RFID system that utilizes backscatter technology. To have provided MacLellan et al teaching of using backscatter technology in Petrovich's RFID tag/transponder would have been obvious to a person having ordinary skill in the art, because both references are in the field of RFID communications and the person with ordinary skill in the RFID art would have found these references readily combinable. Common sense would dictate to the skilled practitioner in the RFID art that these known inventive concepts, within the realm of RFID, are combinable.

Claims 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovich in view of MacLellan et al as applied to claim 30 above, and further in view of Klitsgaard.